

### **REMARKS**

In the Notice of Non-Compliant Reply mailed on September 20, 2005, the Examiner states that Applicant should have elected only a single disclosed species within Species Group II in the Response to Restriction Requirement mailed on August 22, 2005. Applicant therefore provisionally elects, with traverse, "linear and cyclic dextrans" in claim 21. The Applicant believes this further species election to be fully responsive to the Notice of Non-Compliant Reply. The Applicant is attaching herewith a Courtesy copy of the Supplemental Preliminary Amendment and Response to Restriction Requirement mailed on August 22, 2005, and requests that it, together with the instant Communication, be considered fully responsive to the Restriction Requirement mailed on July 22, 2005.

The Examiner also states in the Notice of Non-Compliant Reply that a voicemail was left with Applicant's Representative, Ms. Barbara Clark, on September 8, 2005, regarding the species election made in the Supplemental Preliminary Amendment and Response to Restriction Requirement mailed on August 22, 2005 and that the call was not returned. Ms. Clark wishes to assure the Examiner that she does not have any record of a voicemail left on her system from the Examiner on any date, including September 8, 2005. If Ms. Clark were aware of such a message, the call would have been returned immediately, as is the practice with all Examiner phone calls. Ms. Clark did contact the Examiner on August 18, 2005, prior to filing the Response, seeking clarification of the species election at issue herein, to ensure a complete and proper Response was filed. During the phone call, the Examiner expressed her appreciation for this effort. In spite of this conversation, however, the election was subsequently found to be incomplete, although Applicant believes that all outstanding issues have now been addressed.

## RESPONSE TO NOTICE OF NON-COMPLIANT REPLY

Serial Number: 10/758,972

Filing Date: January 16, 2004

Title: CORROSION RESISTANT COATINGS

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Dkt: 423.027US1

CONCLUSION

Applicant respectfully submits that, with the filing of this Response to Notice of Non-Compliant Reply, the Restriction Requirement mailed on July 22, 2005 has now been fully responded to, and notification to that effect is earnestly requested. If there is anything improper or incomplete in this Response, the Examiner is urged to telephone Applicant's attorney at 515-233-3865 to discuss, thus facilitating prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

JAMES STOFFER ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
515-233-3865

Date OCTOBER 12, 2005 By Barbara J. Clark  
Barbara J. Clark  
Reg. No. 38,107

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 13 day of October, 2005.

Name KACIA LEE

Signature Kacia Lee